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Attorneys for Plaintiffs
FIBERTREK, INC.; LAWRENCE P. WAGNER;
and JOHN G. PEERY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;
LAWRENCE P. WAGNER, an individual;
and JOHN G. PEERY, an individual,

Plaintiffs,

v.

PREFERRED CORPORATE SERVICES,
INC., a Colorado Corporation; DOUGLAS
GREGG, an individual; TDG, LLC, a
Colorado Limited Liability Company;
NEIL SMITH, an individual and DOES 1-
100, inclusive,

Defendants.

CASE NO.: 5:08-CV-03415 JW

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- ☐ Non-binding Arbitration (ADR L.R. 4)
- ☐ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☒ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

☐ Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

☐ the presumptive deadline (The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)

☒ other requested deadline: 120 days from the date of this order.

Dated: November 12, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: 

DOUGLAS WIDAL CIELO
BRIAN M. AFFRONTI
Attorneys for Plaintiffs

Dated: 11/12/08

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By: 

CLAUDIA C. BOHORQUEZ
Attorney for Defendants
NEIL SMITH and TDG, LLC.

Dated: _____

By: _____

DOUGLAS GREGG
Defendant In Pro Per

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

☐ Private ADR (please identify process and provider) _____


The parties agree to hold the ADR session by:

☐ the presumptive deadline (The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)

☒ other requested deadline: 120 days from the date of this order.

Dated: November 12, 2008

ROPERS, MAJESKI KOHN & BENTLEY

By: 
DOUGLAS WIDAL CIELO
BRIAN M. AFFRONTI
Attorneys for Plaintiffs

Dated: _____

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By: _____
CLAUDIA C. BOHORQUEZ
Attorney for Defendants
NEIL SMITH and TDG, LLC.

Dated: 11/13/08

By: 
DOUGLAS GREGG
Defendant In Pro Per

ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- ☐ Non-binding Arbitration
 - ☐ Early Neutral Evaluation (ENE)
 - ☒ Mediation
 - ☐ Private ADR
- Deadline for ADR session:
- ☐ 90 days from the date of this order.
 - ☒ other: 120 days from the date of this order.

IT IS SO ORDERED.

Dated: November 25, 2008


UNITED STATES DISTRICT JUDGE

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Jose